

## **REMARKS**

Claims 1-25 are pending in the present application.

Applicants propose amending independent claims 1 and 14 to clarify the meaning of the term "supportive requirement," as suggested by the Examiner. Support for the proposed amendments may be found at least in lines 12-25 on page 3 of the Patent Application. Applicants respectfully submit that the proposed amendments will place the application in better condition for appeal or allowance. Furthermore, the Examiner has stated on page 8 of the Final Office Action that a very broad interpretation of the term "supportive requirement" was adopted during examination of the present application. Applicants therefore respectfully submit that the proposed amendments, which clarify the meaning of the term "supportive requirement," will not entail any further searching on the part of the Examiner. For at least the aforementioned reasons, Applicants respectfully request that the proposed amendments be entered.

In the Office Action, claims 1-5, 14, and 25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Xu, et al (U.S. Patent Publication No. 2003/0172165). Claims 6-13 and 15-24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Xu in view of Trossen, et al (U.S. Patent Publication No. 2003/0157899). Pursuant to the proposed amendments, the Examiner's rejections are respectfully traversed.

Claim 1 sets forth receiving a multicast control message, determining at least one supportive requirement for accessing and receiving at least one multicast service, the supportive requirement being indicated by the multicast control message, and selecting a multicast service in response to the received multicast control message based on the determined supportive requirement. Claim 14 sets forth receiving subscription information, transmitting a multicast control message in response to the received subscription information, and receiving information

indicative of selection of a multicast service in response to the multicast control message. The selection is made based on at least one supportive requirement for accessing and receiving at least one multicast service and the supportive requirement is indicated by the multicast control message.

Xu describes a billing system that may be used for calculating costs associated with receiving multicast data during a multicast session. However, Xu is not at all concerned with whether or not the mobile units that receive the multicast data possess sufficient supportive requirements to make use of the multicast data. Accordingly, Xu is completely silent with regard to determining at least one supportive requirement for accessing and receiving at least one multicast service based on information included in the multicast control message.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Xu and request that the Examiner's rejections of claims 1-5, 14, and 25 under 35 U.S.C. § 102(b) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of Xu and Trossen, either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Xu is completely silent with regard to determining at least one supportive requirement for accessing and receiving at least one multicast service based on information included in the multicast control message. Trossen describes multicast services that are provided at different data rates. However, Trossen is also completely silent with regard to determining at least one supportive requirement for accessing and receiving at least one multicast service based on

information included in the multicast control message, as set forth in independent claims 1 and 14.

For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that independent claims 1 and 14, and all claims depending therefrom, are obvious over Xu and Trossen, either alone or in combination. Applicant requests that the Examiner's rejections of claims 6-13 and 15-24 under 35 U.S.C. § 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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